

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DANNETTE HUNT,

Plaintiff,

v.

MDC COAST 4, LLC; OUTBACK
STEAKHOUSE OF FLORIDA, LLC;
ABC CORPORATION AND XYZ
CORPORATION,

Defendants.

Civil Action
File No.:

**OUTBACK STEAKHOUSE OF FLORIDA, LLC, AND MDC COAST 4,
LLC'S PETITION FOR REMOVAL**

TO: The Honorable Judges of the United States District Court for the Northern
District of Georgia, Atlanta Division

COME NOW, Outback Steakhouse of Florida, LLC and MDC Coast 4, LLC,
by and through their undersigned counsel, and files its Petition for Removal and
respectfully show this Court the following:

1. Outback and MDC are named defendants in a civil action brought against
them in the State Court of Cobb County, State of Georgia, in this District and Division,

the same being entitled Dannette Hunt v. MDC Coast 4, LLC et al., designated as Civil Action File No. 22-A-21.

2. The Summons and Complaint in that action were filed in the State Court of Cobb County on January 4, 2022, as were first received by Outback by service through Outback's registered agent on January 10, 2022, and MDC, by service of its registered agent, on January 7, 2022. Thus, Outback and MDC timely file this petition for removal.

3. Outback and MDC file herewith a copy of all process, pleadings, and orders including the Summons and Complaint in this action, pursuant to 28 USC § 1446. (Attached hereto as Exhibit "A").

4. Outback is now, was at the commencement of this suit, and at all times since been a limited liability corporation organized and existing under the laws of Georgia and having their principal place of business in Florida.

MDC is now, was at the commencement of this suit, and at all times since been a limited liability company organized and existing under the laws of Delaware and having its principal place of business in California.

5. Plaintiff is a citizen of Georgia. Therefore, the action described above is a civil action with a claim of which this Court has original jurisdiction, and it is one that may be removed to this Court by Defendant pursuant to the provisions of 28 U. S.

C. §§ 1332, 1367, and 1441 et seq., in that there is complete diversity among the parties and the Defendant is not a resident of the State of Georgia, the Parties are not residents of the same state, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

6. Plaintiff's Complaint alleges she slipped on October 6, 2019, in the dining room area, resulting in neck, shoulder, and lower back pain. Plaintiff is seeking medical damages for pain and suffering and medical bills.

7. Specifically, Plaintiff alleges in her pre-suit demand the following damages to date: (1) CEP America, LLC \$355.00, (2) Emory Decatur Hospital \$2,096.50, (3) Domiguez Chiropractic Auto Injury Center \$3,465.00, (4) American Health Imaging \$4,595.00, (5) Georgia Pain and Wellness Center \$43,472.70, (6) Resurgens Orthopaedics \$1,310.54, (7) Ortho Sport and Spine Physicians \$30,103.72, (7) Georgialina Physical Therapy \$3,405.00, (8) Future Medical Expenses \$34,000.00, (9) Travel and Treatment time \$6,589.20, (10) Wage Loss \$473.60, (11) Pain and Suffering \$444,917.30, (12) Mental Anguish \$266,950.38, and (13) Inconvenience for the Injury \$66,737.60.

8. Total, Plaintiff is claiming \$908,651.54. Thus, Plaintiff's alleged damages exceed the jurisdictional sum of greater than \$75,000, exclusive of interests and costs.

9. aforementioned Georgia State Court action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 of the United States Code §1332(a) and accordingly, is one which may be removed to this Court by Defendant pursuant to the provisions of Title 28 of the United States Code §1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 exclusive of interests and costs and is between citizens of different states.

10. Outback and MDC attach a copy of Outback and MDC's Notice of Removal that will be filed in the State Court of Cobb County, Georgia marked as Exhibit "B".

11. This action is currently pending in the State Court of Cobb County, Georgia, which is within the jurisdiction of the Northern District of Georgia, Atlanta Division. 28 U.S.C.A. § 1446(a).

WHEREFORE the Defendants pray the above action now pending before the State Court of Cobb County, Georgia be removed to this Court's jurisdiction.

This 2nd day of February, 2022.

Goodman McGuffey LLP
Attorney for Outback Steakhouse of Florida, LLC
and MDC Coast 4, LLC

By: /s/ Robert A. Luskin
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CERTIFICATE OF SERVICE

This is to certify that I electronically filed **OUTBACK STEAKHOUSE OF FLORIDA, LLC, AND MDC COAST 4, LLC'S PETITION FOR REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Shaun Daugherty, Esq.
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This 2nd day of February, 2022.

/s/ Robert A. Luskin

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